

ORDINANCE 846

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 5 (VESSELS, DOCKS AND WATERWAYS) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH BY AMENDING SECTION 5-115 ENTITLED "RESTRICTED SWIMMING AREAS ESTABLISHED"; TO INCLUDE AN ADDITIONAL RESTRICTED AREA FOR EXCLUSIVE USE OF SWIMMERS AND SURFERS FROM JOHN'S PASS PARK (SOUTH BEACH) TO 131ST AVENUE; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the City of Madeira Beach is concerned with the welfare and safety of both swimmers and boaters; and

WHEREAS, the public and private beaches within the City of Madeira Beach are extensively used by waders and swimmers; and

WHEREAS, the boating public is often inconsiderate of the swimming public and threatens the safety of swimmers by high speed boating operation close to the shoreline; and

WHEREAS, the affected property owners have petitioned the City of Madeira Beach to enact a restricted area in the Gulf of Mexico abutting their property; and

WHEREAS, upon adoption, the City Administration shall petition the Florida Department of Environmental Protection for approval of this restricted area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: That Chapter 5 (Boats, Docks and Waterways) of the Code of Ordinances of the City of Madeira Beach be modified, by amending Section 5-115 entitled "Restricted Swimming Areas Established" as displayed below.

Section 5-115. RESTRICTED SWIMMING AREAS ESTABLISHED.

Within the designated "restricted areas", no power boat or jet ski of any size, ~~jet ski~~ or sailboat of more than 14 feet in length, shall be allowed to operate. Surfboards, sailboards, paddle boats, and sailboats of any acceptable size shall not operate in the swim area, but shall be allowed to traverse the swim area to reach water outside the restricted area.

1. A rectangular area of water in the Gulf of Mexico, parallel to the shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water

Line and having a northwest boundary as the north side property line of the Madeira Towers Condominium, as extended into the Gulf of Mexico, and a southeast boundary as the south side property line of the Ocean Sands One Condominium, as extended into the Gulf of Mexico, is hereby declared to be a Madeira Beach restricted area for exclusive use of swimmers and surfers. The rectangle area of water, encompassing approximately 1860 feet of shoreline, includes water front parallel to the Madeira Towers Condominium, Holiday Inn, Archibald Memorial Beach, and Ocean Sands One and Two Condominiums.

2. The rectangular area of water, approximately 450 feet parallel to the County/City Access Park and extending approximately 300 feet westward into the Gulf of Mexico, is hereby declared to be a Madeira Beach restricted area for the exclusive use of swimmers and surfers.
3. A rectangular area of water in the Gulf of Mexico parallel to the shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water Line and having a northwest boundary line as the north side property line of the Surfside Towers Condominium, as extended in the Gulf of Mexico, and a southeast boundary line as the south side property line of the Shores of Madeira Condominium as extended into the Gulf of Mexico is hereby declared to be a Madeira Beach restricted area for exclusive use of swimmers and surfers. The rectangle area of water, encompassing approximately 527 feet of shoreline, includes water front parallel to the Surfside Towers Condominium and the Shores of Madeira Condominium.
4. **A rectangular area of water in the Gulf of Mexico parallel to the shoreline, extending southwesterly 300 feet into the Gulf of Mexico measured from the Mean High Water Line and having a northwest boundary line as the north side boundary line of 131st Avenue, as extended in the Gulf of Mexico, and a southeast boundary line as the south side property line of John's Pass Park (South Beach) as extended into the Gulf of Mexico is hereby declared to be a Madeira Beach restricted area for exclusive use of swimmers and surfers. The rectangle area of water, encompassing approximately 1580 feet of shoreline, includes water front parallel to the All Seasons Vacation Resort Condominium, Madeira Norte Condominium, Surf Song Resort Condominium Phase I and Phase II, Crimson on the Gulf Condominium, Sandy Shores Condominium, Beach Place Condominium, residential properties, and John's Pass Park (South Beach) public property.**

These "restricted areas", will be so designated and marked with buoys as prescribed in Florida Statutes, 327.40. (Ord. 846 11/7/95, 795 03/01/93, 678 08/27/85).

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SECTION 3: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

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PASSED ON FIRST READING at a meeting of the Board of Commissioners of the City of Madeira Beach, Florida, held on the 3rd day of October, 1995.

PUBLISHED THE 23rd day of October, 1995. (CITY CHARTER 7.3.b.)

PASSED ON SECOND READING AND PUBLIC HEARING this 7th day of November, 1995.

AYES: (5) Commissioners Alloway, Derry, Merrill, Parker
Mayor De Cesare

NAYS: (0)

ABSENT: (0)

ABSTAIN: (0)



Tom De Cesare
MAYOR-COMMISSIONER

ATTEST:



Denise M. Schlegel
CITY CLERK



PROPERTY OWNERSHIP MAP
PINELLAS COUNTY

JIM SMITH
PROPERTY APPRAISER



SHEET MATCH

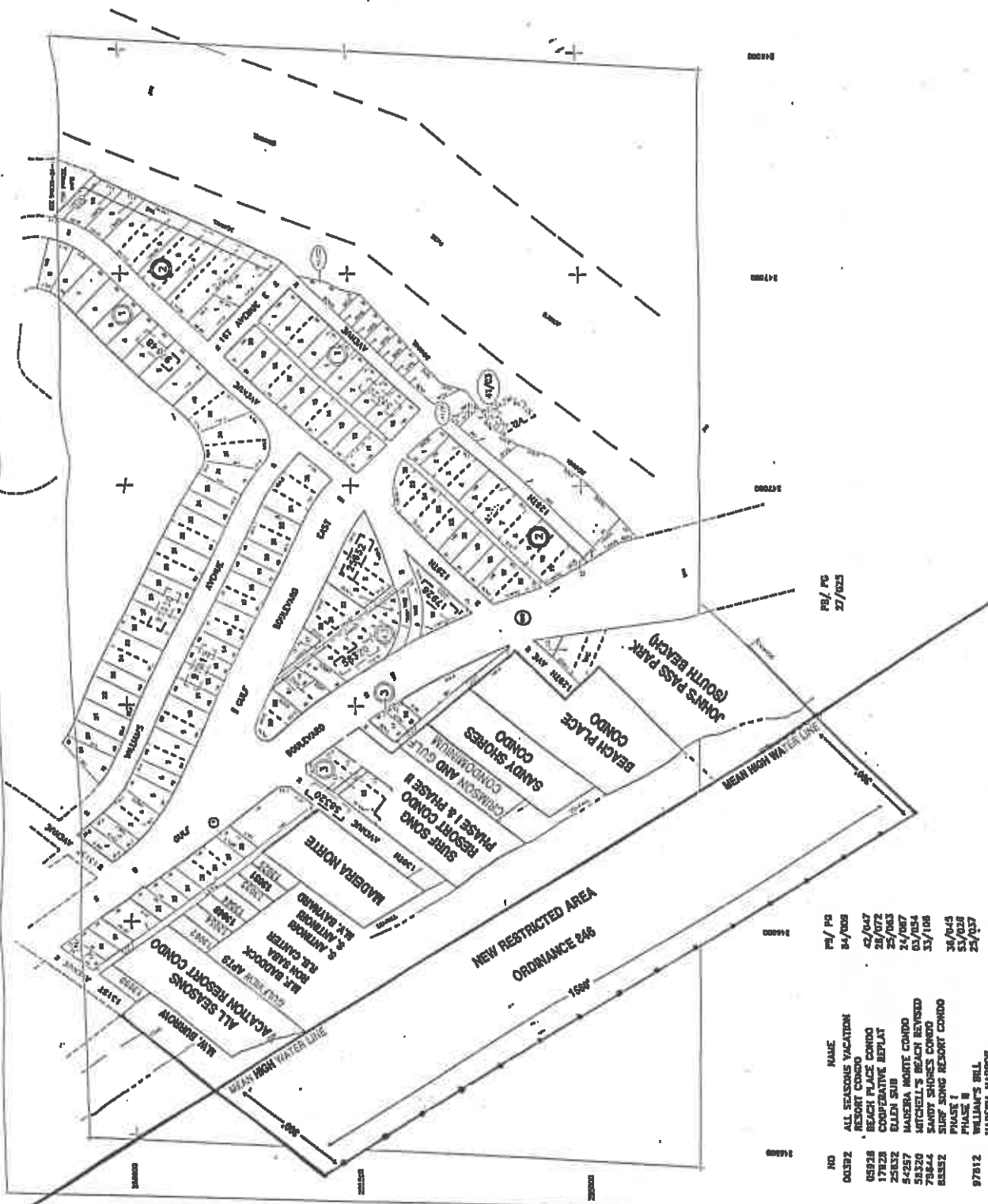
15-16-17	18-19-20	21-22-23
24-25-26	27-28-29	30-31-32

LEGEND

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NO.	NAME	DATE
00172	ALL SEASONS VACATION	02/04/87
00328	BEACH PLACE CONDO	02/04/87
17828	COOPERATIVE REPLAT	02/04/87
25832	ELLEN SHUB	02/04/87
54257	MADEIRA NORTE CONDO	02/04/87
51320	MITCHELL'S BEACH REVISIO	02/04/87
72844	SANDY SHORES CONDO	02/04/87
81822	PHASE II	02/04/87
97812	WILLIAM'S BELL	02/04/87
97830	WILLIAM'S BELL	02/04/87
	MADEIRA HARBOR	02/04/87
	MADEIRA HARBOR 1ST ADD	02/04/87

SECTION N5E15
TOWN 31 SOUTH, RANGE 15 EAST



NO	NAME	PG / PG
00172	ALL SEASONS VACATION	04/008
00328	BEACH PLACE CONDO	02/047
17828	COOPERATIVE REPLAT	20/042
25832	ELLEN SHUB	02/047
54257	MADEIRA NORTE CONDO	02/047
51320	MITCHELL'S BEACH REVISIO	02/047
72844	SANDY SHORES CONDO	02/047
81822	PHASE II	02/047
97812	WILLIAM'S BELL	38/045
97830	WILLIAM'S BELL	53/028
	MADEIRA HARBOR	24/037
	MADEIRA HARBOR 1ST ADD	24/067



CITY OF MADEIRA BEACH

300 MUNICIPAL DRIVE • MADEIRA BEACH, FLORIDA 33708

PHONE (813) 391-9951 • FAX (813) 399-1131

November 8, 1995

Major J.K. Thompson
Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

RE: File Number: 9003-0452-016BS
Location: Swim Area

Dear Major Thompson:

On November 7, 1995, the Board of Commissioners of the City of Madeira Beach adopted Ordinance 846, which creates a restricted swimming area to an additional designated waterway in the City. Enclosed please find a certified copy of Ordinance 846, data on the location of markers, a Justification Statement/Purpose and Chapter 5, Section 5-115 of our Code of Ordinances.

The City of Madeira Beach is requesting the Department of Environmental Protection approve our application for an amendment to the boating restricted area as described in Ordinance 846.

I understand that:

1. The permit is contingent upon the consent of, and if necessary, the issuance of appropriate permits by the United States Coast Guard, and the United States Army of Corps of Engineers, authorizing the placement of structures for the support of the uniform waterway marker buoys.
2. This permit will require the City of Madeira Beach to place sixteen (16) uniform waterway marker buoys exactly as indicated on the attached marker list. Each marker shall be consistent with the Florida Uniform Waterway Marker System format as shown on the attached diagram.
3. All regulatory marker buoys must extend a minimum of 36 inches above the high water mark. The permit number and the City Ordinance 846 must be displayed on each regulatory marker sign at any location where it is readily visible. These numbers will be displayed in black block characters measuring at least one (1) inch in height.

Major J.K. Thompson
November 8, 1995
Page 2 of 2

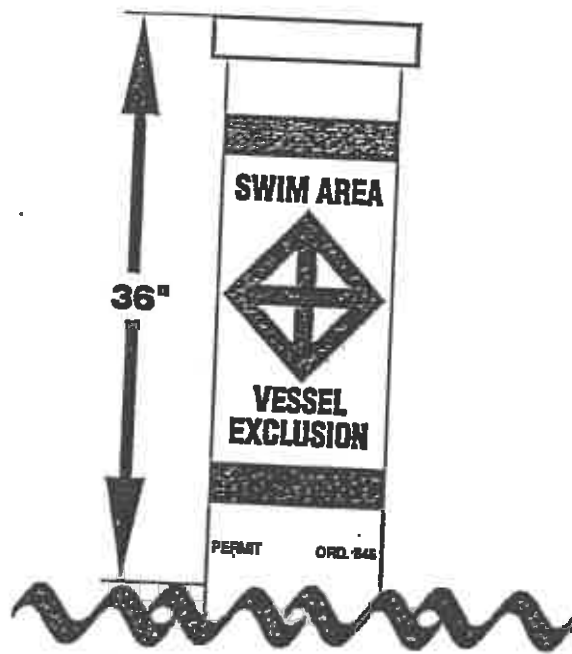
4. The placement of all regulatory marker buoys shall be completed within a reasonable time after receipt of this permit. The City of Madeira Beach will provide this office with the exact latitude and longitude coordinates of each marker buoys within ten (10) days after the markers are placed.
5. All regulatory marker buoys authorized under the permit must be maintained in proper conditions at all times. The City of Madeira Beach must immediately report and correct any discrepancies of any marker buoys to this office by call during normal working hours at 904-488-5600, ext. 36, or by facsimile at 904-488-6425.
6. The permit does not authorize the invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other State, Federal, or local laws and regulations.
7. By accepting the permit and placement of the regulatory marker buoys, the City of Madeira Beach does hereby, to the extent authorized by law, agree and promise to hold harmless the State of Florida, its employees, agents or successors, from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation, and removal of any and all marker buoys placed by the City of Madeira Beach pursuant to the permit. The City of Madeira Beach further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by the City of Madeira Beach in the placement, maintenance, operation, and removal of the marker buoys.
8. The City of Madeira Beach will provide for the enforcement of its Ordinance which establishes the approved restricted area zone. The Florida Marine Patrol will enforce these restrictions if an officer is present and observes a violation. However, this agency will not assume primary responsibility for the enforcement of the City of Madeira Beach's Ordinance.

Please advise. Thank you for your consideration and cooperation.

Sincerely,



Alan S. Braithwaite
Interim City Manager



ATTACHMENTS

- | | |
|-------------------------|---|
| ATTACHMENT NO. 1 | CERTIFIED COPY - CITY OF MADEIRA BEACH ORDINANCE 846 |
| ATTACHMENT NO. 2 | DATA ON LOCATION OF MARKERS |
| ATTACHMENT NO. 3 | JUSTIFICATION STATEMENT/PURPOSE |
| ATTACHMENT NO. 4 | CITY OF MADEIRA BEACH CODE OF ORDINANCES
CHAPTER 5: WATERWAYS, VESSEL AND DOCKS
SECTION 5-115: RESTRICTED SWIMMING AREAS |



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

January 5, 1996

Mr. Alan S. Braithwaite
Interim City Manager
City of Madeira Beach
300 Municipal Drive
Madeira Beach, Florida 33708

RE: File Number: 9511-0452-147BS
Location: Gulf of Mexico (John's Pass to 131st Avenue)

Dear Mr. Braithwaite:

Thank you for your application for the placement of Uniform Waterway Markers in waters of this state. Your application was received in this office on November 20, 1995.

The Office of Waterway Management has begun initial review of your request. I have noted that this vessel exclusion area appears to encompass areas that are private dwellings. Please advise this office if this is the case, and if provisions have been made for ingress and egress to these areas? If this is the case, please provide this office with an updated map indicating the location of these points. Upon receipt of this information, we will move to complete your request.

Please be advised that the Department of Environmental Protection, Submerged Lands and Environmental Resources Program Office, 3804 Coconut Palm Drive, Tampa, Florida 33619; the United States Coast Guard at 909 S. E. 1st Avenue, Miami, Florida 33131; and the United States Army Corps of Engineers at Post Office Box 4970, Jacksonville Florida 32232 may require authorization or permitting for placement of markers as you have requested. Complete application packages should be forwarded to each of these agencies for their review and permitting.

Mr. Alan S. Braithwaite
Interim City Manager
January 5, 1996
Page Two

File number 9511-0452-147BS has been assigned to your application. This is due to the "new" area being located further north of the existing swim area. Please utilize this file number when requiring information concerning this project.

We look forward to working with your in completing this project and enhancing the safety of the boating public in Florida. If you have any questions, please contact me at 904-488-5600, extension 36.

Sincerely,



Ms. Tara Alford, Planner II
Office of Waterway Management
Division of Law Enforcement

/tra

cc: Captain Brian Hadler, USCG
Ms. Marie Burns, USDOA
Ms. Shirley Stokes, USDOA
Mr. Harry Michaels, DEP
Lieutenant Colonel Frank Feliciano, FMP
Major J. S. Venero, FMP
Captain Maurice Radford, FMP

09NONICWWMADSURF1.LTR

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Mayor De Cesare

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ABSENT: (0)

ABSTAIN: (0)


Tom De Cesare
MAYOR-COMMISSIONER

ATTEST:


Denise M. Schlegel
CITY CLERK

